

REMARKS

Claims 1-14 are presented for consideration, with Claims 1, 4, 7, 10, 13 and 14 being independent.

The independent claims and selected dependent claims have been amended to better set forth Applicant's invention.

Initially, Applicant respectfully requests that the finality of the Office Action mailed April 16, 2007, be withdrawn for the reasons set forth in the Request filed on May 24, 2007.

Applicant notes with appreciation that the claims are indicated as containing patentable subject matter and would be allowed if amended to overcome the objections and rejections under 35 U.S.C. §101 and 35 U.S.C. §112, first and second paragraphs, as discussed below.

In amending the claims, changes have been made to overcome the claim objections set forth in paragraph 4 (page 3) of the Office Action.

Claims 1-14 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. With respect to the "rate of existence" set forth in the claims, the Examiner's attention is respectfully directed to page 4, lines 6-16 for a discussion of this phrase. In addition, the claims have been amended to set forth the outputting of an image of the structure corresponding to the design variable vector and the status variable

vector after updates in the design variable update state and the status variable update state are terminated.

Accordingly, reconsideration and withdrawal of the rejection of the claims under 35 U.S.C. §112, first paragraph, is respectfully requested.

Claims 1-14 also stand rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. In response to this rejection, the claims have been amended to provide better antecedent basis for each feature set forth therein. Moreover, support in the specification for the claimed “rate of existence” is discussed above.

Accordingly, reconsideration and withdrawal of the rejection of the claims under 35 U.S.C. §112, second paragraph, is respectfully requested.

Claims 1-6, 13 and 14 were rejected under 35 U.S.C. §101 for being directed to non-statutory subject matter for failing to set forth a tangible result. In response to this rejection, the claims have been amended to include an output step of outputting an image of the structure corresponding to the design variable vector and the status variable vector after the updates are terminated.

Accordingly, reconsideration and withdrawal of the rejection of the claims under 35 U.S.C. §101 is respectfully requested.

In view of the foregoing, reconsideration and allowance of this application is deemed to be in order and such action is respectfully requested.

Appln. No.: 10/812,868

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

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